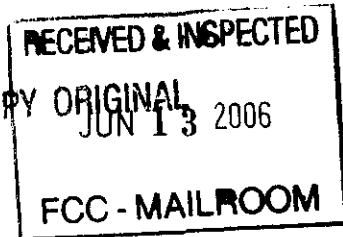


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**IN THE MATTER OF  
REQUEST FOR REVIEW  
BY HARRISONBURG CITY SCHOOL BOARD  
OF DECISION OF  
UNIVERSAL SERVICE ADMINISTRATOR  
and REQUEST FOR WAIVER OF FCC DEADLINE**

CC Docket No. 02-6

**Decisions being Appealed:** Universal Service Administrative Company  
Schools & Libraries Division  
(1) Notification of Commitment Adjustment Letter  
dated April 13, 2006  
(2) Notification of Commitment Adjustment Letter  
dated April 20, 2006

**Funding Year:** (1) 2004  
(2) 2005

**Billed Entity Name:** Harrisonburg City School Board

**Billed Entity Number:** 126469

**Harrisonburg City School Board's Interest in the Matter**

Harrisonburg City School Board ("School Board"), the public school division serving the City of Harrisonburg, Virginia, is eligible for discounts for telecommunications services, internet access, internal communications and basic maintenance available under the Universal Service Fund "E-rate" program. The Schools and Libraries Division ("SLD") of the Universal Services Administrative Company ("USAC") adjusted its funding commitments to the School Board for funding years 2004 and 2005. SLD's adjustment to the funding commitments amounted to a rescission in full of the commitment and/or associated award of discounts. The School Board seeks review of SLD's adjustments to the funding commitments, or in the alternative, waiver of the Commission's rules with respect to filing or amending its funding requests or with respect to SLD's awards of funding.

**Statement of Facts**

On October 31, 2002, the School Board posted a Form 470 to open the competitive bidding process to obtain telecommunications services and internet access for five school buildings in its district. SLD assigned Application Number 134820000423873 to the School Board's Form 470. The allowable contract date for this Form 470 was November 28, 2002. A copy of the Form 470 submitted by the School Board is attached hereto to as Exhibit A.

*Handwritten signature* 0

On November 11, 2003, the School Board posted a Form 470, seeking contracts for provision of telecommunications services and internet access for additional school buildings in its district. SLD assigned Application Number 106600000468290 to the School Board's Form 470. The allowable contract date for this Form 470 was December 10, 2003. A copy of the Form 470 is attached hereto as Exhibit B.

Contracts for the services sought by these Forms 470 were awarded in accordance with FCC and SLD rules to Harrisonburg Electric Commission ("HEC") beginning December 10, 2002, and January 14, 2004 respectively.

On each of the Forms 470, D.D. Dawson, an employee of the School Board (see Affidavit of Employment, attached hereto as Exhibit C), was listed as the contact person for the School Board. See Exhibit A, Block 6a and Exhibit B, Block 6a.

According to SLD's Notifications of Commitment Adjustments dated April 13, 2006, and April 20, 2006, a preliminary Form 498 for HEC designated Ms. Dawson as the contact person for HEC. SLD's Notifications of Commitment Adjustments are attached hereto as Exhibit D. However, Ms. Dawson is not now and never was employed by or associated with HEC in any capacity. See Affidavit of Non-Employment, attached hereto as Exhibit E. The designation of Ms. Dawson as the initial contact person for HEC was merely to assist in delivering necessary paperwork at the inception of the E-Rate program to HEC in a timely manner. Ms. Dawson has never and does not now create any invoices, bids or contracts; submit any paperwork to SLD, the FCC or any other entity on behalf of HEC; or otherwise perform any duties related to HEC contracts or services, for the School Board or any other HEC client.

In fact, HEC made several attempts, prior to the allowable contract dates for either of the Forms 470 at issue in this appeal, to correct its contact information with SLD. On November 5, 2002, HEC submitted a revised Form 498 changing the contact information to Craig Cook. See Letter from HEC dated November 5, 2002, attached hereto as Exhibit F. On November 13, 2002, HEC again submitted a revised Form 498 to correct the contact information for HEC in SLD's databases. See Letter from HEC dated November 13, 2002, attached hereto as Exhibit G. Thus, HEC's contact information was corrected before the November 20, 2002 allowable contract date for the services sought in Form 470 Number 134820000423873, and before the submission of Form 470 Number 106600000468290 in 2003. Again on December 4, 2002 – after the allowable contract date for Form 470 Number 134820000423873 but before the initial posting of Form 470 106600000468290 – HEC submitted yet another revision to correct its contact information. See Form 473, attached hereto as Exhibit H.

In addition to HEC's efforts to correct its contact information, the School Board previously appealed to SLD a denial of funding on the same basis. The School Board's appeal again specifically informed SLD of Ms. Dawson's status as an employee of the School Board, of the lack of any association between Ms. Dawson and HEC and of HEC's efforts to correct its contact information. SLD denied the appeal. The School Board's appeal, dated May 5, 2004, is attached hereto as Exhibit I.

### **Funding Request: Year 2004**

By Form 471 Number 400109, the School Board timely submitted a funding request for funding year 2004 based upon payments made under the HEC contracts executed pursuant to Forms 470 numbered 134820000423873 and 106600000468290. On April 13, 2006, SLD denied the discounts due to an alleged violation of the competitive bidding requirements. Specifically, notwithstanding the series of communications by HEC in late 2002 to correct its contact information, SLD found that D.D. Dawson, although she was at all times an employee of the School Board and never an employee of HEC, was listed as a contact person for HEC on Form 498. On this basis, SLD rescinded its funding commitments for payments made under the HEC contracts.

### **Funding Request: Year 2005**

By Form 471 Application Number 456043, the School Board submitted a funding request for funding year 2005 based upon payments made under the HEC contracts executed pursuant to Form 470 Number 134820000423873. On April 20, 2006, SLD denied the discounts, again due to an alleged violation of the competitive bidding requirements based upon the contact information relating to Ms. Dawson.

### **Questions Presented**

1. Whether SLD erroneously denied and/or rescinded the School Board's funding requests based upon SLD's failure to recognize and consider multiple corrections made to the contact information on service provider HEC's Form 498, which corrections were submitted to SLD by HEC prior to the allowable contract dates for each Form 470 at issue in this appeal.
2. Whether the circumstances justify waiver of the Commission's rules.

### **Argument**

The Commission should overturn SLD's denial and rescission of funding and remand the matter to SLD for recognition of and consideration of the changed contact information for the service provider. In the alternative, the Commission should waive its rules to permit funding of the School Board's discounts as SLD's rescission of the discounts is not in the public interest.

- I. The School Board did not violate the Commission's competitive bidding requirements.**
  - a. The School Board's contact person is not and has never been associated with the service provider that was selected.**

An eligible school must seek competitive bids for services eligible for universal

service support. 47 C.F.R. § 54.504(a) (2005). Fair and open competition was achieved in each of the bidding cycles at issue in this appeal because the School Board's discussions and negotiations with potential service providers were neutral and not tainted by any actual or perceived conflict of interest.

The School Board posted the first establishing Form 470 at issue in this appeal on October 31, 2002. See Exhibit A. At that time, D.D. Dawson, listed as the School Board's contact person, was exclusively employed by the School Board and had been so employed for more than six (6) years. See Exhibit C. Ms. Dawson was never employed by HEC in any capacity. See Exhibit E. Her designation as a contact person for HEC was merely to facilitate processing of initial paperwork for the E-Rate program in a timely manner.

In its *MasterMind* decision, the FCC held that its competitive bidding requirements are violated when a service provider employee is listed as the contact person for the applicant on a Form 470. *In the Matter of MasterMind Internet Services, Inc.*, Released May 23, 2000, ¶ III (9). In *MasterMind*, the contact person listed for the applicant school was an employee of the service provider. *See also In the Matter of A.R. Carethers SDA School et als.*, Released March 26, 2001 (schools listed service provider as the schools' contact). The FCC's holding was based in part on an investigation that indicated that the MasterMind employee had prepared and distributed requests for proposals on behalf of the applicant(s), that the RFPs so prepared and distributed were inadequate; and that interested service providers were required to report to the MasterMind employee rather than the applicant about the services each provider could offer. *See id.*, footnote 22. The FCC found that the applicants "surrendered control of the bidding process" to an employee of a service provider that participated in the bidding process and was awarded the service contracts. *See id.*, ¶ III (A) (10). According to the FCC, participation of the applicant's contact person in the bidding process as a provider will undermine the bidding process and the ability of the applicant to obtain the most cost-effective bid. *See id.*, ¶ III (A) (11). The potential negative implications for competitive bidding are obvious in a case such as *MasterMind*, where the named contact for the applicant is in control of the bidding process, including initial screening of prospective bids, and is *actually employed by the service provider* that ultimately is awarded a contract.

The present case does not present any such conflicts or adverse influences on the competitive bidding process. The Forms 470 at issue in the present appeal designate Ms. Dawson as the contact for the School Board. According to SLD (see Exhibit D), the preliminary Form 498 for HEC also designates Ms. Dawson as the contact for HEC. However, unlike in *MasterMind*, Ms. Dawson was not in fact an employee of HEC or any service provider. Ms. Dawson is and has been for all times pertinent to this appeal, an employee of the School Board. Ms. Dawson's involvement in the bidding process always has been in her capacity as Director of Business and Technology for the Harrisonburg City School Board. As such, the School Board in this case has not "surrendered control of the bidding process" to an employee of a potential service

provider. To the contrary, the bidding process is and always has been controlled by an employee of the School Board and has remained neutral.

**b. The erroneous contact information for HEC was corrected before the School Board negotiated or executed any contracts based upon the Forms 470 at issue.**

Furthermore, Ms. Dawson's designation as contact for the local service provider was corrected before the bidding process closed for Exhibit A and before the subsequent Forms 470 (Exhibits B and C) were even posted. SLD's records should have accurately reflected employees of HEC as contacts for that service provider long before the contracts at issue in the present appeal were executed.

The allowable contract date for the Forms 470 at issue here were November 28, 2002 and December 10, 2003. HEC submitted three corrections to its contact information, on November 5, 2002 (see Exhibit F), November 13, 2002 (see Exhibit G) and December 4, 2002 (see Exhibit H).

Apparently HEC's three efforts to correct its contact information in late 2002 were not correctly processed. Had SLD correctly processed HEC's changes to its contact information, the alleged or perceived conflict of interest would not have existed beyond November 4, 2002, which was just four (4) days after the first Form 470 at issue in this appeal was posted and at least twenty-four (24) days before the allowable contract date for the first Form 470 at issue in this appeal.

**c. Conclusion**

Because Ms. Dawson has never been an employee or acted as an agent of HEC but instead has been exclusively employed by the School Board at all times relevant to this appeal, there is no actual conflict of interest or violation of competitive bidding requirements as was present in *MasterMind* and *A.R. Carethers*. Furthermore, because HEC's contact information was corrected within four (4) days of the posting of the first Form 470 at issue in this appeal, there is no justifiable concern of a conflict of interest or adverse influence on the competitive bidding process.

**II. A waiver of the Commission's rules is justified in the present case.**

Special circumstances in the present case warrant deviation from the general rules regarding a school's eligibility for funding. It appears that SLD failed to process or recognize corrections to contact information submitted by HEC. The School Board has been penalized due to the designation of Ms. Dawson as contact for HEC prior to 2002 and prior to the allowable contract dates for either Form 470 that is the subject of this appeal. Ms. Dawson's designation was likely an effort to get the competitive process for E-Rate started when the program was new, by ensuring that appropriate paperwork would be hand-delivered to potential service providers and not ignored.

Furthermore, while Ms. Dawson's employment has not changed, as a matter of public policy, SLD's approach in the present case has broader implications for employment in technology related positions. SLD's refusal to fund discounts that involve individuals who may have been designated as contact persons either for an applicant or for a service provider may discourage skilled individuals from changing employment and will discourage applicants from hiring qualified individuals just because their prior employment with a potential service providers may affect the applicant's eligibility.

A deviation from the Commission's rules better serves the public interest than strict adherence to the general rule. The School Board timely filed a Form 470 to open the competitive bidding for its internet services, engaged in the competitive bidding process and timely filed its funding requests each year. The School Board acted with due diligence and in good faith to comply with what it understood to be its obligations for fair and open negotiation. The purposes of the universal services schools and libraries discounts are not served by denying funding due to SLD's failure to process corrections to service provider information. The purposes of the universal service program and the public interest therein are better served by requiring SLD to recognize timely corrections to contact information and fund discounts where no actual or perceived conflict of interest exists.

### **Relief Sought**

The School Board respectfully requests that the Commission overturn SLD's rescission and denial of support for funding years 2004 and 2005 and require SLD to consider the corrected contact information for HEC, which was provided as early as November 4, 2002. No conflict of interest as was present in *MasterMind* exists or existed in the present case. In the alternative, the School Board requests that the Commission waive its rules to permit funding of the School Board's requests.

Contact Persons: G. Rodney Young, II  
Mandi M. Smith  
Timberlake, Smith, Thomas & Moses  
P.O. Box 108  
Staunton, Virginia 24402-0108  
(540) 885-1517  
(540) 885-4537 (fax)  
[young@tstm.com](mailto:young@tstm.com)  
Counsel for Harrisonburg City School Board

FCC Form

Approval by OMB  
3060-0808

470

Schools and Libraries Universal Service  
Description of Services Requested  
and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

## Block 1: Applicant Address and Identifications

Form 470 Application Number: 134820000423873

Applicant's Form Identifier: Year 6

Application Status: CERTIFIED

Posting Date: 10/31/2002

Allowable Contract Date: 11/28/2002

Certification Received Date: 10/31/2002

1. Name of Applicant:  
HARRISONBURG CITY SCH DISTRICT2. Funding Year:  
07/01/2003 - 06/30/20043. Your Entity Number  
126469

4a. Applicant's Street Address, P.O.Box, or Route Number

317 S MAIN ST

City  
HARRISONBURGState  
VAZip Code  
22801-3606b. Telephone number  
(540) 434- 9916c. Fax number  
(540) 434- 5196d. E-mail Address  
ddawson@harrisonburg.k12.va.us

5. Type Of Applicant

- ☒ Individual School (individual public or non-public school)
- ☒ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)
- ☐ Library (including library system, library branch, or library consortium applying as a library)
- ☐ Consortium (intermediate service agencies, states, state networks, special consortia)

6a. Contact Person's Name: D.D. Dawson

First, fill in every item of the Contact Person's information below that is different from Item 4, above.  
Then check the box next to the preferred mode of contact. (At least one box **MUST** be checked.)

6b. Street Address, P.O.Box, or Route Number

☒ 395 South High Street

City

State

Zip Code



Harrisonburg	VA	22801
6c. Telephone Number (540) 434- 5730		
6d. Fax Number (540) 434- 5730		
6e. E-mail Address ddawson@harrisonburg.k12.va.us		

**Block 2: Summary Description of Needs or Services Requested**

**7 This Form 470 describes (check all that apply):**

a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c. ☒ Services for which a new written contract is sought for the funding year in Item 2.

d. ☒ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

**NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.**

**What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.**

**8 ☒ Telecommunications Services**  
**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

a. ☒ YES, I have an RFP. It is available on the Web at or via (check one):  
☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b. ☒ NO, I do not have an RFP for these services.

**If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.**

Service or Function:	Quantity and/or Capacity:
wide area network lease lines (fiber optic)	Quantity 5: 100 Mbps to five school buildings from Harrisonburg High School. Quantity 2: 1.544 Mbps (T1) to ISP POP site from Harrisonburg High School

**9 ☒ Internet Access**  
**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

a. ☒ YES, I have an RFP. It is available on the Web at or via (check one):  
☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

## Form 470 Review

b ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access services. Add additional lines if needed.

Service or Function:

internet service provider

Quantity and/or Capacity:

Quantity 2: dedicated 1.544 Mbps (T1) from POP site to Internet or tiered DS-3

10 ☒ Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

a ☒ YES, I have an RFP. It is available on the Web at or via (check one):

☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56kbps or better). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internal Connections services. Add additional lines if needed.

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

Rob Lineweaver

Title:

Network Administrator

Telephone number

(540) 434 - 5730

Fax number

(540) 434 - 5730

E-mail Address

[rlineweaver@harrisonburg.k12.va.us](mailto:rlineweaver@harrisonburg.k12.va.us)

12. ☒ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide Web address where they are posted and a contact name and telephone number for service providers without Internet access.

13. If you intend to enter into a multi-year contract based on this posting or a contract featuring an option for voluntary extensions you may provide that information below. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely timeframes).

Harrisonburg City Public Schools is building a new high school to be completed in fall of 2004. Existing high school will be another educational facility.

Block 3: Technology Assessment

14. ☒ Basic telephone service only: If your application is for basic local and long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop software: Software required ☒ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☒ has been purchased; and/or ☐ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☐ are being sought.

e. Staff development: ☒ all staff have had an appropriate level of training /additional training has already been scheduled; and/or ☐ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

#### Block 4: Recipients of Service

#### 16. Eligible Entities That Will Receive Services:

Check the ONE choice (a,b or c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. ☒ Individual school or single-site library.

b. ☒ Statewide application for (enter 2-letter state code) representing (check all that apply):

- ☐ All public schools/districts in the state:
- ☐ All non-public schools in the state:
- ☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

c. ☒ School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible sites	6
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
540	432, 433, 434, 564, 574

If your application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

**17. Billed Entities**

List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. Attach additional sheets if necessary.

Entity	Entity Number
HARRISONBURG CITY SCH DISTRICT	126469

**18. Ineligible Participating Entities**

Does your application also seek bids on services to entities that are not eligible for the Universal Service Program? If so, list those entities here (attach pages if needed):

Ineligible Participating Entity	Area Code	Prefix
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**Block 5: Certification and Signature****19. The applicant includes:(Check one or both)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

**20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:**

- a. ☒ individual technology plans for using the services requested in the application, and/or
- b. ☒ higher-level technology plans for using the services requested in the application, or
- c. ☐ no technology plan needed; application requests basic local and/or long distance telephone service only.

**21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):**

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☒ technology plan(s) will be approved by a state or other authorized body.
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only. .

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☒

26. Date (mm/dd/yyyy): 10/31/2002

27. Printed name of authorized person: **Denise E. Dawson**
28. Title or position of authorized person: **Director of Business and Technology**
- 29a. Address of authorized person:  
City: State: Zip:
- 29b. Telephone number of authorized person: **(540) 434 - 5730**
- 29c. Fax number of authorized person: **()**
- 29d. E-mail address number of authorized person:

**Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.**

**Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at [www.sl.universalservice.org/vendor/manual/chapter5.doc](http://www.sl.universalservice.org/vendor/manual/chapter5.doc) or call the Client Service Bureau at 1-888-203-8100.**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 470  
P.O. Box 7026  
Lawrence, Kansas 66044-7026**

Form 470 Review

1-888-203-8100

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD-Form 470  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, Kansas 66046  
1-888-203-8100

FCC Form 470  
May 2003

New Search

Return To Search Results

FCC Form

Approval by OMB  
3060-0808

470

**Schools and Libraries Universal Service  
Description of Services Requested  
and Certification Form**

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

**Block 1: Applicant Address and Identifications**  
(School, library, or consortium desiring Universal Service funding.)

Form 470 Application Number: 106600000468290

Applicant's Form Identifier: YEAR 7

Application Status: CERTIFIED

Posting Date: 11/12/2003

Allowable Contract Date: 12/10/2003

Certification Received Date: 11/12/2003

**1. Name of Applicant:**

HARRISONBURG CITY SCH DISTRICT

**2. Funding Year:**

07/01/2004 - 06/30/2005

**3. Your Entity Number**

126469

**4. Applicant's Street Address, P.O.Box, or Route Number****a. Street**

317 S MAIN ST

**City**

HARRISONBURG

**State**

VA

**Zip Code 5Digit**

22801

**Zip Code 4Digit**

3608

**b. Telephone number**

ext.

(540) 434- 9916

**c. Fax number**

(540) 434- 5196

**d. E-mail Address****5. Type Of Applicant (Check only one box)**☐ Library (including library system, library branch, or library consortium applying as a library)☐ Individual School (individual public or non-public school)☒ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)☐ Consortium (intermediate service agencies, states, state networks, special consortia)**6a. Contact Person's Name:** D.D. Dawson**6b. Street Address, P.O.Box, or Route Number (if different from Item 4)**☐ 395 South High Street

City <b>HARRISONBURG</b>	State <b>VA</b>	Zip Code 5Digit <b>22801</b>	Zip Code 4Digit
6c. Telephone Number (10 digits + ext.) <b>(540) 434- 5730</b>			
6d. Fax Number (10 digits) <b>(540) 434- 5730</b>			
6e. E-mail Address (50 characters max.) <b>ddawson@harrisonburg.k12.va.us</b>			

### Block 2: Summary Description of Needs or Services Requested

#### 7 This Form 470 describes (check all that apply):

- a. ☐ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☐ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

**NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.**

#### 8 ☒ Telecommunications Services

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at \_\_\_\_\_ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b. ☒ NO, I do not have an RFP for these services.

**If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.**

Service or Function:	Quantity and/or Capacity:
Lease of 3 additional 100 Mbps fiber optic lines for WAN from high school to new high school, central office, auxiliary services building. Presently lease 100 Mbps fiber to all other schools.	Three 100 Mbps fiber optic lease lines to add to existing WAN.

#### 9 ☒ Internet Access

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at \_\_\_\_\_ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ **NO**, I do not have an RFP for these services.

If you answered **NO**, you must list below the Internet Access Services you seek. Specify each **service or function** (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access Services. Add additional lines if needed.

**Service or Function:**

Pair of T1 lines for Internet access used for load balancing and increasing Internet bandwidth capacity for the school division or partial DS3.

**Quantity and/or Capacity:**

Two dedicated T1 lines (1.54 Mbps each) or 3-7 Mbps DS3 line.

10 ☐ **Internal Connections**

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking?**

a ☐ **YES**, I have an RFP. Choose one of the following: It is available on the Web at \_\_\_\_\_ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☐ **NO**, I do not have an RFP for these services.

If you answered **NO**, you must list below the Internal Connections Services you seek. Specify each **service or function** (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internal Connections Services. Add additional lines if needed.

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

Title:

Telephone number (10 digits + ext.)

() -

Fax number

() -

E-mail Address (50 characters max.)

12. ☐ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

Multi-year contract sought for lease of 3 additional fiber optic lines for WAN. Option to renew contract for ISP on a yearly basis would be preferred.

### Block 3: Technology Assessment

14. ☐ **Basic telephone service only:** If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (c). You may provide details for purchases being sought.

a. Desktop communications software: Software required ☒ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☒ has been purchased; and/or ☐ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☐ are being sought.

e. Staff development: ☒ all staff have had an appropriate level of training or additional training has already been scheduled; and/or ☐ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Contact D.D. Dawson or Rob Lineweaver (technical questions) at 540-434-5730 for additional information.

#### Block 4: Recipients of Service

#### 16. Eligible Entities That Will Receive Service:

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected:

a. ☐ Individual school or single-site library: Check here, and enter the billed entity in Item 17.

b. ☐ Statewide application (check all that apply):

- ☐ All public schools/districts in the state:
- ☐ All non-public schools in the state:
- ☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

c. ☒ School district, library system, or consortium application to serve multiple eligible sites:

Number of eligible sites	9
For these eligible sites, please provide the following	

Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
540	432, 433, 434, 567, 574, 810, 820
If your application includes INELIGIBLE entities, check here. <input type="checkbox"/> If checked, complete Item 18.	

17. Billed Entities	
Entity Name	Entity Number
HARRISONBURG CITY SCH DISTRICT	126469

18. Ineligible Entities			
Ineligible Participating Entity	Entity Number	Area Code	Prefix

**Block 5: Certification**

**19. The applicant includes: (Check one or both)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

**20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:**

- a. ☒ individual technology plans for using the services requested in the application
- b. ☒ higher-level technology plans for using the services requested in the application
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

**21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):**

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☒ technology plan(s) will be approved by a state or other authorized body.
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

**22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.**

**23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.**

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☒

26. Date (mm/dd/yyyy): 11/12/2003

27. Printed name of authorized person: Denise Dawson

28. Title or position of authorized person: Director of Business and Technology

29. Telephone number of authorized person: (540) 434 - 5730 ext.

[New Search](#)

[Return To Search Results](#)

**AFFIDAVIT OF EMPLOYMENT  
ON BEHALF OF HARRISONBURG CITY PUBLIC SCHOOLS**

I, Donald J. Ford, after being duly sworn do hereby make oath that:

1. I am a duly authorized officer of the Harrisonburg City Public Schools, and currently hold the office of Superintendent by appointment of the Harrisonburg City School Board;
2. Harrisonburg City School Board employs Denise E. Dawson as its Director of Business and Technology;
3. Ms. Dawson has been employed exclusively with Harrisonburg City School Board without interruption since July 16, 1996.

WITNESS the following signatures and seals this 12th day of June, 2006.

**HARRISONBURG CITY PUBLIC SCHOOLS**



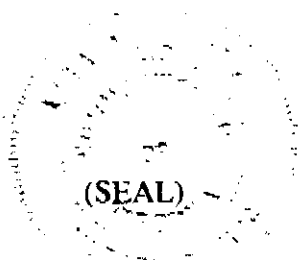
By: Donald J. Ford, Ph.D.  
Superintendent


**COMMONWEALTH OF VIRGINIA, AT LARGE**

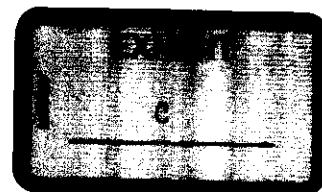
**IN THE CITY OF HARRISONBURG, to wit:**

The foregoing instrument was acknowledged before me this 12th day of June, 2006, by  
Donald J. Ford, Superintendent, Harrisonburg City Public Schools.

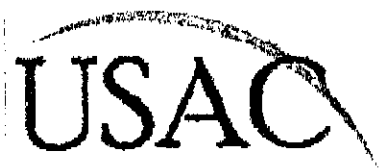
My Commission expires: April 30, 2007



  
Notary



rec'd 4/20/06



**Universal Service Administrative Company**  
**Schools & Libraries Division**

**Notification of Commitment Adjustment Letter**

**Funding Year 2004: 7/01/2004 - 6/30/2005**

April 13, 2006

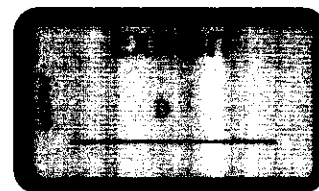
**D.D. Dawson**  
**HARRISONBURG CITY SCH DISTRICT**  
**395 South High Street**  
**Harrisonburg, VA 22801 3606**

**Re: Form 471 Application Number: 400109**  
**Funding Year: 2004**  
**Applicant's Form Identifier: Year 7**  
**Billed Entity Number: 126469**  
**FCC Registration Number: 11818630**  
**SPIN Name: Harrisonburg Electric Commission**  
**Service Provider Contact Person: Craig Cook**

Our routine review of Schools and Libraries Program funding commitments has revealed certain applications where funds were committed in violation of program rules.

In order to be sure that no funds are used in violation of program rules, the Schools Libraries Division (SLD) of the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the adjustments to your funding commitment required by program rules, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the program rule violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for SLD to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of the Demand Payment Letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." Please see the "Informational Notice to All Universal Service Fund Contributors, Beneficiaries, and Service Providers" at <http://www.universalservice.org/fund-administration/tools/latest-news.aspx#083104> for more information regarding the consequences of not paying the debt in a timely manner.



**TO APPEAL THIS DECISION:**

If you wish to appeal the Commitment Adjustment Decision indicated in this letter, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Numbers you are appealing. Your letter of appeal must include the Billed Entity Name, the Form 471 Application Number, Billed Entity Number, and FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter specific and brief, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal electronically, please send your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) using your organization's e-mail. If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Dept. 125 - Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Appeals Area of the SLD section of the USAC web site or by contacting the Client Service Bureau at 1-888-203-8100. We strongly recommend that you use the electronic appeals options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC web site, or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

**FUNDING COMMITMENT ADJUSTMENT REPORT**

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. Immediately preceding the Report, you will find a guide that defines each line of the Report.

The SLD is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on these Funding Request Numbers, a separate letter will be sent to the service provider detailing the necessary service provider action.

Please note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Please note the Funding Commitment Adjustment Explanation in the attached Report. It explains why the funding commitment is being reduced. Please ensure that any invoices that you or your service provider submit to USAC are consistent with program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Craig Cook  
Harrisonburg Electric Commission

## A GUIDE TO THE FUNDING COMMITMENT ADJUSTMENT REPORT

A report for each E-rate funding request from your application for which a commitment adjustment is required is attached to this letter. We are providing the following definitions for the items in that report.

**FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each individual request in your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.

**SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.

**SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

**SERVICE PROVIDER NAME:** The legal name of the service provider.

**CONTRACT NUMBER:** The number of the contract between the applicant and the service provider. This will be present only if a contract number was provided on your Form 471.

**BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.

**SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a. This number will only be present for "site specific" FRNs.

**ORIGINAL FUNDING COMMITMENT:** This represents the original amount of funding that SLD had reserved to reimburse you for the approved discounts for this service for this funding year.

**COMMITMENT ADJUSTMENT AMOUNT:** This represents the amount of funding that SLD has rescinded because of program rule violations.

**ADJUSTED FUNDING COMMITMENT:** This represents the adjusted total amount of funding that SLD has reserved to reimburse for the approved discounts for this service for this funding year. If this amount exceeds the Funds Disbursed to Date, the SLD will continue to process properly filed invoices up to the new commitment amount.

**FUNDS DISBURSED TO DATE:** This represents the total funds that have been paid to the identified service provider for this FRN as of the date of this letter.

**FUNDS TO BE RECOVERED FROM APPLICANT:** This represents the amount of improperly disbursed funds to date as a result of rule violation(s) for which the applicant has been determined to be responsible. These improperly disbursed funds will have to be recovered from the applicant.

**FUNDING COMMITMENT ADJUSTMENT EXPLANATION:** This entry provides an explanation of the reason the adjustment was made.

**Funding Commitment Adjustment Report for  
Form 471 Application Number: 400109**

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Funding Request Number:	1094052
Services Ordered:	TELCOMM SERVICES
SPIN:	143008952
Service Provider Name:	Harrisonburg Electric Commission
Contract Number:	Year 7
Billing Account Number:	n/a
Site Identifier:	126469
Original Funding Commitment:	\$27,720.00
Commitment Adjustment Amount:	\$27,720.00
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$27,720.00
Funds to be Recovered from Applicant:	\$27,720.00

**Funding Commitment Adjustment Explanation:**

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of a review it was determined that service provider contact information appeared on the cited Form 470. The contact person on the cited Form 470 (Application Number: 134820000423873) was Denise Dawson. Denise Dawson is also the registered contact person for Harrisonburg Electric Commission, SPIN 143008952. Harrisonburg Electric Commission was selected a service provider pursuant to the posting of this Form 470. FCC rules require applicants to submit a Form 470 to initiate the competitive bidding process, and to conduct a fair and open process. If the applicant has posted a Form 470 that contains contact information for a service provider that participates in the competitive bidding process, the applicant has violated this requirement, and FCC rules consider this Form 470 to be tainted. All Funding Requests that relate to this Form 470 are required to be denied because the Form 470 is tainted. Accordingly, the commitment has been rescinded in full and the SLD will seek recovery of any disbursed funds. The SLD has determined that both the applicant and the service provider are responsible for this rule violation; if any funds were disbursed the SLD will seek recovery of the improperly disbursed funds from both the applicant and the service provider.

**PLEASE SEND A COPY OF THIS PAGE WITH YOUR  
CHECK TO ENSURE TIMELY PROCESSING**